

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, FEBRUARY 14, 2005 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
-----

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                   PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30:                   Mark Winkler Day.  
DEPUTY MAYOR ZUCCHET’S RECOMMENDATION: Adopt the  
resolution.

### **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, February 14, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, February 15, 2005.**

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Amending the San Diego Municipal Code Relating to Signs.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 01/31/2005, Item 50.
- ITEM-51: Proposed Amendments to the City's Land Development Code and Local Coastal Program. (Citywide.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 2/1/2005, Item S501.
- ITEM-100: Grant Application to the State of California Department of Transportation for the Construction of Perimeter Fencing and Access Control Project at Montgomery Field Airport – Phase III. (Kearny Mesa Community Area. District 6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Penasquitos Town Center Linear Park – Site Acquisition and Development. (Rancho Penasquitos Community Area. District 1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: South Chollas Landfill Gas Lease and Liquified Natural Gas (LNG) Purchase Agreements. (Citywide.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Participation in Vehicle License Fee Gap Receivables Financing Program. (See City Manager Report No. CMR-05-035. Citywide.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Utility Agreement for Relocation of Potable Waterlines within State Route 125. (City of Chula Vista.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 01/26/2005, NR&C voted 5 to 0 to approve.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Participation Agreement with Black Mountain Ranch, LLC, for Design and Construction of the North Villages at Del Sur Reclaimed Water Lines. (Black Mountain Ranch Community Area. District 1.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 01/26/2005, NR&C voted 5 to 0 to accept the report with direction for staff to return to Council with information on why this agreement is a good deal for the City.
- ITEM-106: Appointment and Reappointment to the San Diego Housing Commission.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Appointing Councilmember Tony Young as Chair of the San Diego Consortium Policy Board of the San Diego Workforce Partnership.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-108: Excusing Councilmember Madaffer from the Natural Resources and Culture Committee Meeting of February 9, 2005.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Nonprofit Management Solutions Salute to Excellence Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Committee Items

- ITEM-150:           Proposals for Short-Term Interim Use of San Diego Community Concourse Golden Hall and Related Facilities. (See City Manager Report CMR-04-163. Centre City Community Area. District 2.)  
RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 9/15/2004, Rules voted 5 to 0 to approve the following City Manager's recommendations:
1. Amend the Management Agreement to terminate San Diego Convention Center Corporation's (SDCCC) obligations effective June 30, 2005.
  2. Execute a new agreement with San Diego Theaters, Inc. for the use of the Civic Theater.
  3. Enter into lease negotiations with San Diego Opera for the Copper & Silver Rooms.
  4. Request for Proposal (RFP) for the use of Golden Hall, break-out rooms and kitchen.
  5. Use terrace meeting space for Development Services Department (DSD) conference rooms.
  6. Use Plaza Hall for other City purposes.
  7. Approve the Civic Center Guiding Principles.
- Direct staff to present to the full Council the financial impact of these recommendations.

Public Notices

- ITEM-250:           **Notice** of Pending Final Map Approval – Miramar Self Storage.
- ITEM-251:           **Notice** of Pending Final Map Approval – Black Mountain Ranch North Cluster and Black Mountain Ranch North Village Unit No. 9.
- ITEM-252:           **Notice** of Pending Final Map Approval – The Egyptian.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDER OF BUSINESS

ITEM-30: Mark Winkler Day.

**DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-794)

Recognizing the exceptional contributions that Mark Winkler has made to progress the social climate in the San Diego region;

Proclaiming February 14, 2005, to be "Mark Winkler Day" in the City of San Diego.

### **NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, February 14, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, February 15, 2005.**

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.



**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50 and 51.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, and 109.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

\* ITEM-50: Amending the San Diego Municipal Code Relating to Signs.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 01/31/2005, Item 50. (Council  
voted 9-0):

(O-2005-84)

Amending Chapter 9, Article 5, Division 1, by amending Section 95.0107;  
amending Chapter 12, Article 9, Division 7, by amending Section 129.0731; and  
amending Chapter 12, Article 9, Division 8, by amending Section 129.0808, all  
relating to signs.

\* ITEM-51: Proposed Amendments to the City's Land Development Code and Local Coastal  
Program.

(Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/1/2005, Item S501. (Council  
voted 8-1. Councilmember Frye voted nay):

(O-2005-83 Cor. Copy)

Amending Chapter 11, Article 2 and Chapter 11, Article 3 of the San Diego  
Municipal Code by amending Division 1, Section 112.0102 and 113.0103.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: Grant Application to the State of California Department of Transportation for the Construction of Perimeter Fencing and Access Control Project at Montgomery Field Airport – Phase III.

(Kearny Mesa Community Area. District 6.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-412)

Ratifying the City Manager’s application and acceptance of a Federal Aviation Administration Grant Offer in the amount of \$775,000;

Authorizing the City Manager, or his designee, to apply for and accept (if granted) a State matching grant in the amount of \$38,750 which is 5% of the Federal Grant;

Authorizing the City Manager, or his designee, to execute a Third Amendment to the Agreement with P&D Consultants, Inc., in an amount not to exceed \$34,800, for construction support services for Phase III of the Perimeter Fencing and Access Control Project at Montgomery Field Airport;

Authorizing the expenditure of \$813,750 from CIP-31-339.0, Perimeter Fencing and Access Control Project at Montgomery Field, for this purpose.

**CITY MANAGER SUPPORTING INFORMATION:**

During City Council Legislative Recess (August 2004), the Federal Aviation Administration (FAA) made a Grant Offer, (AIP No. 3-06-0211-07), to the City of San Diego for the on-going Perimeter Fencing and Access Control Project at Montgomery Field Airport - Phase III. The Grant Offer had to be accepted by the City on or before August 30, 2004, or the Offer would have been voided by the FAA. The City Manager requests that the Mayor and Council ratify the application and acceptance of this Grant Offer in the amount of \$775,000.

The State of California Department of Transportation is authorized to provide Matching Funds of up to 5% of the Federal Grant. The City Manager requests authorization to apply for, accept, and if received, expend State Matching Funds in the amount of \$38,750.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

P&D Consultants has provided design and construction support services for the Perimeter Fence and Access Control Project at Montgomery Field, Phases I & II. The Manager requests authorization to execute the Third Amendment to Agreement with P&D Consultants, for Construction Support Services for this Project.

**FISCAL IMPACT:**

\$813,750 if the Grants are ratified accepted. None if they are not.

Herring/Griffith/Means

Aud. Cert. 2500573.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: Penasquitos Town Center Linear Park – Site Acquisition and Development.

(Rancho Penasquitos Community Area. District 1.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-665)

Authorizing the City Manager to accept a quitclaim deed executed by the YMCA of San Diego County, executed in favor of the City of San Diego, bearing the date of January 13, 2005, donating in favor of the City of San Diego, a 1.757-acre strip of land to be developed as a public linear park as more particularly described in Exhibit “A”;

Authorizing the City Manager, or his representative, to apply to the State of California’s Clean Air, Safe Parks, and Coastal Protection Act of 2002, Per Capita Program in the amount of \$75,000, CIP-29-874.0, Penasquitos Town Center Linear Park (Project), for the construction of the park;

Authorizing the City Manager, or his representative, to take all necessary actions to secure funding from the Clean Air, Safe Parks, and Coastal Protection Act of 2002, Per Capita Program in the amount of \$75,000, CIP-29-874.0, for the Project;

Authorizing the City Manager, or his representative, to accept, appropriate and expend the grant funds, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the grant, upon receipt of a fully executed grant agreement;

Amending the Fiscal Year 2005 Capital Improvement Program by adding CIP-29-874.0, for the Project;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$200,000 in CIP-29-874.0, Fund No. 63022, Private Contributions – Capital Improvements Program;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$75,000 in CIP-29-874.0, Penasquitos Town Center Linear Park in Clean Air, Safe Parks, and Coastal Protection Act of 2002, Per Capita Program, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from CIP-29-874.0, Fund No. 63022, Penasquitos Town Center Linear Park Private Contributions – Capital Improvements Program in the amount of \$200,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$75,000 from CIP-29-874.0, Penasquitos Town Center Linear Park in Clean Air, Safe Parks, and Coastal Protection Act of 2002, Per Capita Program, for the purpose of constructing the Project, contingent upon receipt of a fully executed grant agreement;

Authorizing and directing the City Clerk to deliver the deed and a certified copy of this resolution to the Real Estate Assets Department for further handling.

**CITY MANAGER SUPPORTING INFORMATION:**

The donation of the linear park site is based on the intent of certain provisions in the Development Agreement and Option Agreement entered into between the City and American Newland Associates resulting in the donation of various parcels to the YMCA with the intent that if such parcels were not constructed and used for YMCA activity, the fee title would transfer to the City. The linear park site was originally a 4.48 acre parcel set out in that Development Agreement with such site donated by the developer to the YMCA. The YMCA has constructed or plans to construct certain facilities and/or use portions of the original 4.48 acre parcel so that the linear park site to be donated to the City is now 1.757 acres with the entire site subject to certain access road and water pipeline easements in favor of the San Diego County Water Authority.

As a result of a recent lawsuit settlement between the City and Westbrook Penasquitos, L.P. (Westbrook), Westbrook completed design drawings for the Penasquitos Town Center Linear Park and made a payment of \$200,000 to the City to fulfill Westbrook's obligations under an original development agreement authorized by the City on November 14, 1988, Document No. 00-17179 and assigned to Westbrook on August 14, 1997.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This action also approves allocation of \$75,000 from Council District I's allotment of the City's Per Capita portion of the 2002 California Resources Bond. Distribution of the Per Capita funds to each council district was approved by Resolution R-298699 on December 8, 2003.

**FISCAL IMPACT:**

These actions will allocate \$275,000 (\$200,000 from Private Contributions - Capital Improvements Projects, Fund No. 63022 and \$75,000 Clean Air, Safe Parks, and Coastal Protection Act of 2002, Per Capita Program) for the construction of the Penasquitos Town Center Linear Park. The annual park maintenance is estimated to be \$18,000 which will be paid from the City's General Fund. A funding request by the Department of Park and Recreation will be made to the City Manager for the park's maintenance in the budget year the facility goes into operation.

Herring/Oppenheim & Griffith/AP

Aud. Cert. 2500684.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-102: South Chollas Landfill Gas Lease and Liquified Natural Gas (LNG) Purchase Agreements.

(Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-778)

Authorizing the City Manager to execute a first amendment to the LNG Purchase Agreement with Applied LNG Technologies, USA, LLC, to purchase liquid natural gas, under the terms and conditions set forth in the First Amendment to LNG Purchase Agreement;

Authorizing the City Manager to execute an agreement with Golden Spread South Chollas, LLC, and Tech-San South Chollas Energy, LLC, to terminate the Landfill Gas Lease and Operating Agreement and Conversion System Site Lease Agreement relating to the South Chollas Landfill, under the terms and conditions set forth in the Agreement to Terminate said agreements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$75,000 from Fund No. 30244, CIP-32-018.0, in connection with the above-referenced First Amendment and Agreement to Terminate, solely and exclusively, for work performed on the landfill gas collection system at the South Chollas Landfill.

**CITY MANAGER SUPPORTING INFORMATION:**

In December 2000, the City entered into three agreements to facilitate a research and development project that would attempt to convert landfill gas from the South Chollas Landfill into liquified natural gas (LNG) which could be used to fuel the City's dual-fuel refuse collection vehicles. The three agreements included a Landfill Gas Lease and Operating Agreement with Golden Spread South Chollas LLC, a Conversion System Site Lease Agreement with Tech-San South Chollas Energy LLC, and an LNG Purchase Agreement with Applied LNG Technologies USA LLC, the parent company of the other two companies (collectively "ALT").

The production of LNG from landfill gas at the South Chollas Landfill did not develop into a viable Research & Development Project.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Since the project is no longer viable, it is in the City's best interest to regain the gas rights at the South Chollas Landfill so other energy recovery projects can be pursued. ALT was responsible for maintaining the existing landfill gas collection and flaring system and continued to maintain the system after the LNG project was determined not to be viable. Under the proposed Termination Agreement, the City would make a one-time, lump sum payment to ALT in the amount of \$75,000 to reimburse a portion of the costs incurred on the City's behalf after the project was found to be non-viable.

Pursuant to the LNG Purchase Agreement, ALT has been providing the City with pipeline LNG fuel since 2001 at a cost of \$0.52 per gallon, which is substantially below market prices. The City requires a reliable source of LNG fuel through 2007. The current fixed price fuel supply agreement terminates in December 2005 and would be required to be replaced by a market price fuel supply agreement at much higher prices based on current costs for LNG. This First Amendment to the LNG Purchase Agreement would extend the fixed price through December 2006 and then revert to a market price formula. While the new fixed rate of \$0.72 per gallon is an increase above current rates, it is still substantially below market rates per gallon and assures a reliable fuel supply for the remainder of the term the City is obligated to operate the dual-fuel refuse collection vehicles.

**FISCAL IMPACT:**

The termination of the Landfill Gas Lease and Operating Agreement includes a one-time payment of \$75,000 from Fund 30244, CIP-32-018.0, and ongoing annual costs of approximately \$50,000 to meet regulatory requirements. The Amendment to the LNG Purchase Agreement will increase LNG prices from \$0.52 per gallon to \$0.72 per gallon commencing in January 2005 for \$96,000 in fuel costs per year. In 2007, LNG prices will move from a fixed rate to a market rate, projected to increase LNG fuel costs an additional \$85,000 per year.

Mendes/Heap/CG

Aud. Cert. 2500683.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Participation in Vehicle License Fee Gap Receivables Financing Program.

(See City Manager Report No. CMR-05-035. Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-809)

Approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City of San Diego's Vehicle License Fee Receivable from the State of California; and directing and authorizing certain other actions.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Utility Agreement for Relocation of Potable Waterlines within State Route 125.

(See memorandum from Frank Belock, Jr., dated 01/19/2005. City of Chula Vista.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-790)

Authorizing the City Manager to execute Utility Agreement 26325-07 with Otay River Constructors (ORC), to reimburse \$318,602 in City costs for relocation of Otay II and III Pipelines within the Caltrans State Route 125 right-of-way, under the terms and conditions set forth in the Agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$38,720 from Water Fund 41500, CIP-73-216.0, Black Mountain Ranch Reservoir to Water Fund 41500, CIP-73-024.0, Annual Allocation – Freeway Relocations;

Authorizing the expenditure of an amount not to exceed \$318,602 from Water Fund 41500, CIP-73-024.0, Annual Allocation – Freeway Relocations, for the purpose of providing funds for the Utility Agreement and related in-house engineering costs, provided that the City Auditor and Comptroller first furnishes one or more certificates that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 01/26/2005, NR&C voted 5 to 0 to approve. (Councilmembers Atkins, Young, Maienschein, Frye, and Madaffer voted yea.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**SUPPORTING INFORMATION:**

CALTRANS is constructing a new public highway, State Route 125, in San Diego County traveling from State Route 905 to State Route 54. Construction of the highway will necessitate the relocation of a portion of the City's potable water lines known as the Otay II and the Otay III. Based on the City's fee ownership of the property, the City has the superior right of occupancy. Therefore, Caltrans is required to relocate the impacted portion of the pipelines at its expense. The total cost of the project is \$1,132,808. However, Caltrans will pay the cost of construction estimated at \$902,500 and will reimburse the City its actual in-house costs for design review and coordination, and construction inspection up to \$274,500. Additionally, the City is required to credit Caltrans \$44,102 for pipeline depreciation. The City will invoice Caltrans for reimbursement of in-house costs on a quarterly basis throughout the performance of the project.

This request seeks approval to execute a Utility Agreement with Otay River Constructors (ORC) for relocation of the Otay II and Otay III pipelines. ORC is the contractor for the San Diego Expressway, L.P. (SDELP), a venture between the State of California, Department of Transportation (Caltrans) and California Transportation Ventures, Inc. SDELP has granted the ORC authority to negotiate and enter into agreements with utilities in conjunction with highway construction.

The environmental impacts and mitigation measures associated with the pipeline relocation to be performed by ORC are addressed in an Environmental Impact Report (SCH #89011118) certified by Caltrans on February 23, 2004, by Resolution #E-00-12.

**FISCAL IMPACT:**

The estimated cost of this Agreement is \$318,602. Funding for the project is available from Water Fund 41500, CIP-73-024.0, Annual Allocation - Freeway Relocations. An amount of up to \$274,500 will be reimbursed to the City. The final cost to the City will be \$44,102.

Mendes/Belock/MKS

Aud. Cert. 2500696.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-105: Participation Agreement with Black Mountain Ranch, LLC, for Design and Construction of the North Villages at Del Sur Reclaimed Water Lines.

(See memorandum from Frank Belock, Jr. dated 01/19/2005. Black Mountain Ranch Community Area. District 1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-789)

Authorizing the City Manager, or his duly authorized representative, to execute a Participation Agreement with Black Mountain Ranch, LLC, for the design and construction of the North Villages Reclaimed Water Pipelines (Participation Agreement) in the amount of \$360,749, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$425,000 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (North Villages at Del Sur Reclaimed Water Lines), for the purpose of providing funds for the Participation Agreement and related in-house engineering costs, provided that the City Auditor and Comptroller first furnishes one or more certificates, certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 01/26/2005, NR&C voted 5 to 0 to accept the report with direction for staff to return to Council with information on why this agreement is a good deal for the City.  
(Councilmembers Atkins, Young, Maienschein, Frye, and Madaffer voted yea.)

**SUPPORTING INFORMATION:**

In December 2000, the City approved the Updated Water Reclamation Plan (Beneficial Reuse Study) which provides a strategic approach for constructing key reclaimed water facilities in the North City Future Urbanizing Area (NCFUA).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Installation of these facilities will expand the existing system and enable the City to achieve its beneficial reuse goals established by the Environmental Protection Agency construction grant for the North City Reclamation Water Plant.

Black Mountain Ranch LLC (BMR), the developer of North Villages, met with the City's Water Department in March 2000, to be briefed on the reclaimed water study that was underway to identify potential customers and expand the existing distribution system. Recognizing the importance of a reliable and drought-proof water supply, BMR was receptive to using reclaimed water for landscape irrigation throughout their development, and agreed to pay the City a negotiated amount of \$500,000 at the time their golf course became connected to the reclaimed water system. The agreement assumed that the City would be expanding the reclaimed water system to a connection point with the North Villages golf course. Since this expansion has not been completed, as part of this Participation Agreement, the City and the developer will share the costs for the pipeline that will connect the North Villages golf course to the existing system. The City's total cost is \$425,000 including \$64,251 for in-house engineering. The Developer will contribute \$390,434 toward pipeline construction across the Lusardi Creek Bridge. In addition, the developer will pay the City a one-time fee of \$500,000 upon connection to the reclaimed water system. The pipeline will be installed concurrent with road construction and should be completed in May 2005.

Projected reclaimed water demands for the North Villages development includes 1,040 acre feet per year (AFY) for the golf course and 194 AFY for the residential, commercial, and open space areas within the development. Additionally, the contractor plans to use 92 acre feet of reclaimed water during construction.

This project was addressed in an Addendum (LDR No. 40-0528) to an EIR (LDR No. 96-7902) approved by City Council on November 27, 2001, by Resolution No. R-295791.

**FISCAL IMPACT:**

City Project cost of \$425,000 is available in CIP-70-954.0 for the North Villages at Del Sur Reclaimed Water Lines (\$360,749 for Agreement, \$64,251 for in-house engineering costs.)

Mendes/Belock/MKS

Aud. Cert. 2500686.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-106: Appointment and Reappointment to the San Diego Housing Commission.

(See memorandum from Mayor Murphy dated 01/07/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-761)

Confirming the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the San Diego Housing Commission, for terms ending January 2, 2009:

NAME

Salvador Salas, Chair  
(Reappointment)

Howard J. Silldorf  
(Replacing Robert Grinchuk, whose term expired)

- \* ITEM-107: Appointing Councilmember Tony Young as Chair of the San Diego Consortium Policy Board of the San Diego Workforce Partnership.

(See letter from Councilmember Atkins dated 01/24/2005.)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-796)

Appointing Councilmember Tony Young as Chair of the San Diego Consortium Policy Board of the San Diego Workforce Partnership.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Excusing Councilmember Madaffer from the Natural Resources and Culture Committee Meeting of February 9, 2005.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-797)

Excusing Councilmember Jim Madaffer from attending the February 9, 2005, Natural Resources and Culture Committee meeting. Councilmember Madaffer will be representing the City of San Diego at the SANDAG Board Retreat in Borrego Springs.

- \* ITEM-109: Nonprofit Management Solutions Salute to Excellence Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-749)

Recognizing the important service Nonprofit Management Solutions continues to provide to the greater San Diego region;

Proclaiming February 8, 2005, to be "Nonprofit Management Solutions Salute to Excellence Day" in the City of San Diego.



**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,  
RESOLUTIONS:**

ITEM-150: Proposals for Short-Term Interim Use of San Diego Community Concourse  
Golden Hall and Related Facilities.

(See City Manager Report CMR-04-163. Centre City Community Area.  
District 2.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-795)

Authorizing the City Manager to issue a request for proposals for the short-term  
interim use of Golden Hall and related facilities in the San Diego Community  
Concourse.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 9/15/2004, Rules voted 5 to 0 to approve the following City Manager's recommendations:

1. Amend the Management Agreement to terminate San Diego Convention Center Corporation's (SDCCC) obligations effective June 30, 2005.
2. Execute a new agreement with San Diego Theaters, Inc. for the use of the Civic Theater.
3. Enter into lease negotiations with San Diego Opera for the Copper & Silver Rooms.
4. Request for Proposal (RFP) for the use of Golden Hall, break-out rooms and kitchen.
5. Use terrace meeting space for Development Services Department (DSD) conference rooms.
6. Use Plaza Hall for other City purposes.
7. Approve the Civic Center Guiding Principles.

Direct staff to present to the full Council the financial impact of these recommendations.  
(Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,  
RESOLUTIONS: (Continued)

ITEM-150: (Continued)

**SUPPORTING INFORMATION:**

On September 15, 2004, the Committee on Rules, Finance and Intergovernmental Relations ("Committee") recommended approval of the following City Manager's recommendations related to the future use of the San Diego Community Concourse ("Concourse"):

1. Amend the Management Agreement to terminate San Diego Convention Center Corporation's ("SDCCC") obligations effective June 30, 2005.
2. Execute a new agreement with San Diego Theatres, Inc. for the use of the Civic Theatre.
3. Enter into lease negotiations with San Diego Opera for the Copper and Silver rooms.
4. RFP for the use of Golden Hall, break-out rooms and kitchen.
5. Use terrace meeting space for City conference rooms.
6. Use Plaza Hall for other City purposes.
7. Approve the Civic Center Guiding Principles.

The Committee directed staff to present to the City Council the financial impact of these recommendations. Staff recommends authorizing the issuance of an RFP which will allow for a complete fiscal analysis to be performed. Staff recommends returning to Council with this complete fiscal analysis along with the other recommendations listed above. This information should be considered as part of the Fiscal Year 06 budget discussion. Additional background information on this subject can be obtained in City Manager's Reports 04-163 and 04-030 which are part of the backup material for this item.

**FISCAL IMPACT:**

Unknown at this time.

Herring/Griffith

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-250: Notice of Pending Final Map Approval – Miramar Self Storage.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Miramar Self Storage” (T.M. No. 19195 PTS No. 39650), located northwesterly of Miramar Road and Miramar Place in the University Community Plan Area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-251: Notice of Pending Final Map Approval – Black Mountain Ranch North Cluster and Black Mountain Ranch North Village Unit No. 9.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final maps entitled “Black Mountain Ranch North Cluster” (T.M. No. 4796 PTS No. 30527) and “Black Mountain Ranch North Village Unit No. 9” (T.M. No. 40-0528 PTS No. 25699), located northwesterly of San Dieguito Road and Black Mountain Road in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – The Egyptian.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “The Egyptian” (T.M. No. 012922 PTS No. 6359), located southwesterly of University Avenue and Park Blvd. in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT